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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,709	07/15/2003	Song-Bac Kim	59538 (71970)	9595

21874 7590 01/19/2005

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P.O. BOX 55874
BOSTON, MA 02205

EXAMINER

LEITH, PATRICIA A

ART UNIT	PAPER NUMBER
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1654

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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011205

DATE MAILED:

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Commissioner for Patents

Claims 1-5 and new claim 9 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Inventions I (previously claims 1-5 and 8) and Invention III (amended claims 1-5 and new claim 9) are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, many other compounds known besides the compound as described in claim 1 may be used to treat tumors. Eugenol for example, a natural plant extract, has been shown to inhibit tumor cells.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-5 and 9 are hereby withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Because the amendment filed on 12/20/04 omits all claims drawn to the elected invention and presents only claims drawn to a non-elected invention, the amendment is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention for the reasons stated supra.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia Leith whose telephone number is (571) 272-0968. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on (571) 272-0974. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

01/12/05

A handwritten signature in black ink, appearing to read "Patricia Leith". The signature is fluid and cursive, with a large initial "P" and a stylized "L".

Patricia Leith
Primary Examiner
Art Unit: 1654